

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-697

Appellant(s): Stephen Clapp, Esq.

vs.

Appellee(s): City of North Attleboro
Rod Palmer

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board overturn the building commissioner's cease and desist order alleging violations of the 6th Edition 780 CMR 113.0 and 113.4 for 63 & 73 Old Post Rd. and 600 Washington St., North Attleboro, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on February 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

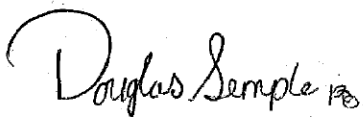
The Appellant, representing the owner, EJB Trust Attleboro LLC, appeared and testified for the hearing.

Discussion

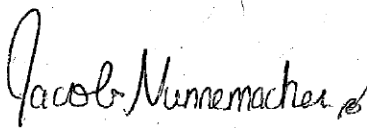
A motion was made to grant the Appellant's request to overturn the building commissioner's cease and desist order regarding violations of the 6th Edition of 780 CMR 113.0 and 113.4 based on the exhibits and testimony that was presented which noted that the Appellant complied with the three demolition permits, one for each property, to remove all structures and restore grade. It was noted that the building commissioner confirmed the demolition work was done in accordance with permits. The motion cautioned the appellant that there still may be zoning issues to address with the city. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

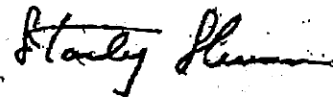
The Appellant's request to overturn the alleged violations of the 6th Edition 780 CMR 113.0 and 113.4 is hereby granted as described in the discussion above and so ordered² on this date: February 5, 2009.



Douglas Sample



Jacob Nunnemacher



Stanley Shuman

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.